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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,935	08/15/2001	Nick King	APLIP214/P2664	1140

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EXAMINER

HARVEY, MINSUN OH

ART UNIT PAPER NUMBER

2644

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,935

Applicant(s)

KING ET AL.

Examiner

Minsun Harvey

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2644

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 to 5, 8-12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambacurta in view of DeVitt.

Gambacurta discloses a computer readable medium containing program instructions for controlling a parametric equalizer and which is comprised of computer readable code for displaying a composite curve (col. 10, lines 30 to 49), wherein the composite equalization curve is formed from at least a first frequency filter with a first center frequency, a second frequency filter with a second center frequency, and a third frequency filter with a third frequency (fig. 9); computer readable code for allowing a changing of the first center frequency, the second center frequency, and the third center frequency (col. 5, line 45 to col. 6, line 10). Gambacurta does not disclose not disclose a dragging movement of the center frequencies.

DeVitt discloses an audio equalizer which is comprised of a computer readable code for allowing a dragging movement of sounds (col. 5, lines 24 to 28 and col. 9, lines 15 to 17); an amplifier (50). Since DeVitt has disclosed a system for mixing sounds by using a mouse and dragging an image on a screen, it would have been obvious to combine DeVitt's teaching with Gambacurta because instead of using knobs as

disclosed by Gambacurta, a mouse could be used for changing parameters of filters within an equalization system.

Regarding claims 10 to 11, having different filter types as claimed would have been obvious because a low pass, high pass, a notch, a low self and a high shelf filters are all well known filter types which are commonly used in equalization devices.

3. Claims 6 to 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambacurta in view of DeVitt and Gibson.

Gambacurta as modified do not disclose a computer readable code for providing a pull down menu selecting a parametric filter type.

Gibson discloses a computer readable code for providing a pull down menu selecting a parametric filter type (col. 4, lines 31 to 40). Since Gibson has disclosed a pull down menu as claimed, it would have been obvious to combine Gibson's teaching with Gambacurta as modified because an operator could easily change filter type by having a pull down menu. He/she could easily access to the menu by being able to pull down from the system.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gambacurta in view of DeVitt and Tran.

Gambacurta as modified do not disclose a computer readable code for identifying a preset type of speaker type.

Tran discloses a computer readable code for identifying a preset with a speaker type (col. 5, lines 41 to 66). Since Tran has disclosed discloses a computer readable

code for identifying a preset with a speaker type, it would have been obvious to combine Tran's teaching with Gambacurta as modified because a computer system can distinguish between the type of speakers connected to the computer system and optimize the system according to the speakers then connected.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 14 to 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tran.

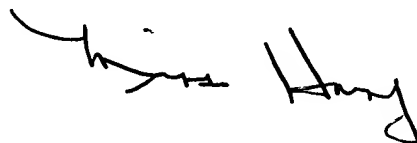
Tran discloses a method of providing equalizer presets for a speaker type and which is comprised of generating an equalization preset for a type of speaker (output of 154 of fig. 4); connecting a speaker of a first type to a computer system (20 of fig. 1); loading a preset for the first type of speaker into the computer system (152 and 158 of

fig. 4); and using the loaded preset as a default equalization for all applications executed by the computer system (154).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Harvey whose telephone number is (703) 308-6741. The examiner can normally be reached on 9:00-5:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen, can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0377.



**MINSUN OH HARVEY
PRIMARY EXAMINER**